



# UN GENERAL ASSEMBLY, SIXTH COMMITTEE, LEGAL

Prison Conditions & Torture:  
Examining the Conditions of  
Detention Facilities for Political  
Prisoners

**GLOBAL CLASSROOMS DC**  
SPRING 2024 MODEL UN CONFERENCE



# CONTENT TABLE

INTRODUCTION TO THE COMMITTEE: UN GENERAL ASSEMBLY, SIXTH COMMITTEE (LEGAL).....	2
STATEMENT OF THE PROBLEM:.....	3
BACKGROUND:.....	4
CASE STUDIES:.....	4
Recommendations for Addressing Prison Conditions and Torture for Political Prisoners:.....	9
Past UN Action:.....	10
QUESTIONS TO CONSIDER:.....	11
KEY TERMS:.....	11
Global Classrooms DC Position Paper Overview and Requirements:.....	11



## INTRODUCTION TO THE COMMITTEE: UN GENERAL ASSEMBLY, SIXTH COMMITTEE (LEGAL)



The United Nations General Assembly Sixth Committee (also known as the Legal Committee or C6) is one of the six main committees of the General Assembly of the United Nations. It primarily focuses on legal issues and the development of international law to promote and protect human rights. The Sixth Committee was created in 1947 for member states to discuss international legal issues and propose recommendations. C6 has worldwide membership, all member states of the United Nations are enabled to present on the Sixth Committee as its one of the main committees of the General Assembly. Non-member states with observer status may also attend and participate in the discussions of the committee.<sup>1</sup> The Sixth Committee

members meet every year for six weeks,<sup>2</sup> for the General Assembly's annual session. During the seventy-ninth session, the Sixth Committee is scheduled to meet from 2nd October to 22nd November 2024.<sup>3</sup>

The Committee, with a primary focus on discussing legal issues and proposing recommendations, explores matters concerning international law and international criminal law while aiming to enhance access to justice and also examine the punishment of individuals responsible for genocide, war crimes, crimes against humanity, and other serious crimes. Its agenda encompasses holding United Nations mission officials and experts accountable for crimes, ensuring the rule of law both nationally and internationally, examining the extent and enforcement of universal jurisdiction, managing justice within the United Nations system, assessing the effectiveness of Additional Protocols to the Geneva Conventions regarding the safeguarding of victims in armed conflicts, and enhancing the protection and security of diplomatic missions and representatives.<sup>4</sup>

### Agenda Item(s) may include:<sup>5</sup>

- The promotion of justice and international law
- Accountability and internal United Nations justice matters
- Drug control
- Crime prevention
- Combating international terrorism

Bodies that report to C6 include: Committee on Relations with the Host Country, International Law Commission, United Nations Commission on International Trade Law, United Nations Program Assistant in the Teaching, Study, Dissemination among other committees.<sup>6</sup> Overall, the purpose of the UN General Assembly Sixth Committee is to provide member states with the principles to examine and address legal issues globally, promote international law and access to justice, and contribute to a peaceful resolution.

<sup>1</sup> "How do organizations and non-member states get observer status in the General Assembly?" Ask UN, <https://ask.un.org/faq/14519>.

<sup>2</sup> "Workings of the General Assembly," United Nations, <https://www.un.org/en/ga/#:~:text=The%20Assembly%20meets%20in%20regular,Hall%20change%20for%20each%20session.>

<sup>3</sup> "Sixth Committee (Legal)," UN, [https://www.un.org/en/ga/sixth/79/programme\\_of\\_work.pdf](https://www.un.org/en/ga/sixth/79/programme_of_work.pdf).

<sup>4</sup> "Sixth Committee (Legal)." Permanent Mission to the UN, [https://enaun.cancilleria.gob.ar/en/content/sixth-committee-legal-committee#:~:text=Sixth%20Committee%20\(Legal%20Committee\),-The%20Sixth%20Committee's&text=T his%20is%20a%20subsidiary%20body,international%20law%20and%20its%20codification.](https://enaun.cancilleria.gob.ar/en/content/sixth-committee-legal-committee#:~:text=Sixth%20Committee%20(Legal%20Committee),-The%20Sixth%20Committee's&text=T his%20is%20a%20subsidiary%20body,international%20law%20and%20its%20codification.)

<sup>5</sup> "International Law and Justice." United Nations, <https://www.un.org/en/global-issues/international-law-and-justice>.

<sup>6</sup> "The GA Handbook," UNITAR, [https://www.unitar.org/sites/default/files/media/publication/doc/un\\_pga\\_new\\_handbook\\_0.pdf](https://www.unitar.org/sites/default/files/media/publication/doc/un_pga_new_handbook_0.pdf).

## STATEMENT OF THE PROBLEM:

This committee's goal for the following session is to address critical issues of prison conditions and torture as they relate to political prisoners. Please find the definitions for pertinent terms relating to this topic below:

- **Political Prisoner** in this case refers to an individual who has been incarcerated for their political views or political actions.<sup>7</sup>
  - NOTE: The terms political prisoner and/or political detainee may be used interchangeably.
- **Prison:** Prisons are institutional facilities where individuals convicted of crimes serve lengthy sentences.<sup>8</sup>
- **Jail:** Jails are facilities where individuals are held for short periods of time as they await trial.<sup>9</sup>
- **Detention Facility:** Definitions are context-specific, but refers to a facility where people are detained.
  - NOTE: The following Background Guide may use the terms "Prison," "Jail," and "Detention Facility" interchangeably.
- **Prison Conditions** in this case refers to the living conditions and treatment of political prisoners during incarceration.
- **Torture** refers to deliberate acts causing severe physical or mental suffering to a person, aiming to extract information, punish, intimidate, or discriminate. It can be carried out by public officials or those in official roles, directly or indirectly.<sup>10</sup>

11



The United States government estimates that there are more than 1 million political prisoners worldwide.<sup>12</sup> The Right to Freedom of Speech is specified in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, as well as in many domestic legislations around the world. Numerous documented cases and studies highlight instances where political prisoners, along with other incarcerated individuals, have endured grave human rights violations. These violations include arbitrary

pretrial detention without due process and enduring inhumane conditions in incarceration, including torture. The UN General Assembly (sixth committee, legal) acknowledges the fundamental importance of safeguarding civil and political rights for all individuals, regardless of their political beliefs. This guide aims to provide adequate background material for C6 member states to propose relevant and timely resolutions regarding the matter. It sheds light on the state of prison conditions and instances of torture by providing a detailed background on the topic, examining various case studies, and proposing recommendations to address this issue.

<sup>7</sup> "US Political Prisoners/Prisoners of War." OCHR, 2010.

[https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UJPR/Documents/session9/US/NCBI\\_NationalConferenceofBlackLawyers.pdf](https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UJPR/Documents/session9/US/NCBI_NationalConferenceofBlackLawyers.pdf).

<sup>8</sup> "Jail and Prison. Are they the same?." First Step Alliance, 2021, <https://www.firststepalliance.org/post/jail-vs-prison>.

<sup>9</sup> Ibid.

<sup>10</sup> "Convention Against Torture..." OCHR, 1984,

<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>

<sup>11</sup> Langness, Jagannath, & McCoy, "Prisons are Traumatizing, but is it Possible to Reduce Some of Their Harm." Urban Institute, 2020,

<https://www.urban.org/urban-wire/prisons-are-traumatizing-it-possible-reduce-some-their-harm>.

<sup>12</sup> <https://www.forbes.com/sites/ewelinaochab/2024/01/13/one-million-political-prisoners-behind-bars-without-just-cause/?sh=586d0c0b651b>

## BACKGROUND:



<sup>13</sup> Incarceration has existed for millennia, with the origins dating back to the ancient civilizations of Egypt and Mesopotamia.<sup>14</sup> While the functions of prisons and jails have evolved throughout history, the persistent pattern of governments instrumentalizing them as tools of repression, particularly against dissenting voices and minorities, remains consistent. Governments within all types of political systems have been accused of using arbitrary detention and unlawful sentencing as a means of silencing political opposition. In line with this, the conditions at detention facilities often reflect similar patterns, with research highlighting issues such as severe overcrowding,

inadequate sanitation, limited access to healthcare, and rampant abuse of human rights.<sup>15</sup>

Furthermore — torture, including solitary confinement and denial of basic necessities, among other forms of abuse, are frequently employed as means of coercion and control. The Center for Constitutional Rights, a U.S.-based rights organization that examines similar abuses in the United States—ironically, a democratic country whose political system emphasizes civil and political rights—asserts regarding US prisons that "violations (rights-based violations) are far more common than the prison administrators would have the public believe."<sup>16</sup> Unsurprisingly, these types of violations are even more prominent and frequent within *authoritarian regimes*, where basic civil and political rights are heavily curtailed.

Political prisoners as highlighted above are people who have been specifically incarcerated for their political beliefs. They are perceived to pose a threat to governments due to their potential to challenge authority, advocate for political change, or expose corruption and human rights abuses. As a result, they often face trumped-up charges or unfair trials orchestrated to silence their voices and intimidate others who might follow suit. Over time, there has been some evolution in the conditions of prisons and treatment of political prisoners, partly due to international pressure, and shifts in public perception. Despite incremental improvements in some regions, the plight of political prisoners still remains a pressing concern globally. Addressing the systemic issues underlying political repression and ensuring accountability for perpetrators are crucial steps towards creating a more just and humane society.

## CASE STUDIES:

### Case Studies:

Countries such as Azerbaijan, China, Egypt, and Syria among many others have faced international scrutiny regarding their treatment of political prisoners. Reports of torture, ill-treatment, and denial of basic rights, including access to medical care, have garnered backlash among human rights organizations and the international community.

**Azerbaijan:** In a country human rights report by the U.S. Department of State, it was outlined that in the year 2022, Azerbaijan had approximately 100 political prisoners.<sup>17</sup>

<sup>13</sup> Freepik, [https://www.freepik.com/premium-vector/prison-handcuff-icon-cartoon-vector-police-arrest-criminal-cuff\\_75522326.htm](https://www.freepik.com/premium-vector/prison-handcuff-icon-cartoon-vector-police-arrest-criminal-cuff_75522326.htm). (image)

<sup>14</sup> <https://www.ancient-origins.net/history-ancient-traditions/prisons-and-imprisonment-ancient-world-punishments-used-maintain-public-020588>

<sup>15</sup> "Living Conditions in Prison." Vera,

<https://www.vera.org/dignity-behind-bars/living-conditions-in-prison#:~:text=Brutal%20living%20conditions%20for%20the,public%20oversight%2C%20leading%20to%20>

<sup>16</sup> "Torture in U.S. Prisons"

<sup>17</sup> "2022 Country Reports." U.S. Department of State, 2023, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/azerbaijan/>.



Bakhtiyar Hajiyev (jailed activist)

<sup>18</sup> These individuals encompassed political opponents, human rights or democracy activists, journalists, and bloggers. <sup>19</sup> There have been credible allegations of torture within the country’s prisons. In its latest country report, Human Rights Watch underscored that authorities identified over 400 victims of torture in detention facilities in the Terter and other regions; authorities also prosecuted 17 high ranking military officials. While these prosecutions are crucial steps, more work needs to be done to adopt and maintain an effective process of protecting political prisoners and victims of state sponsored torture.

Examples of political prisoners and their experiences during detention include:

- Human Rights Watch noted that opposition leader, Tofiq Yaublu endured several beatings during imprisonment, leading to multiple injuries. While the prosecutor’s office launched an inquiry to investigate the case, the investigation was prematurely closed with the office claiming that his injuries were self-inflicted.<sup>20</sup>
- A different opposition leader, Razi Alishov who was arrested under alleged drug charges, claimed to have been tortured while in custody but these claims were not thoroughly investigated either. NGO reports claim that at least 10 people had died in custody as a result of torture.<sup>21</sup>
- In a non-political example concerning an activist, Activist Bakhtiyar Hajiyev — he was captured and detained on multiple occasions by the Main Department on Combating Organized Crime of the Ministry of Internal Affairs. During his detention, it is alleged that he was forced to delete social media posts criticizing a powerful government figure and a pro-government activist. He was denied legal counsel, was sexually harassed, endured beatings, threats to his life, among other forms of abuse.<sup>22</sup> As of April 2024, Hajiyev remains in detention and is facing approximately six years in prison. He faces vague and spurious charges such as “hooliganism” and “contempt of court.”<sup>23</sup>

The country’s laws legislate due process including the right to legal counsel. The laws also claim that a detainee must appear before a judge 48 hours after being detained, when it will be determined if they will be detained in pre-trial detention, house arrest, or be released. Pre-trial detention is up to three months (may be increased to eighteen months in some circumstances) and investigations must be completed within this time period.<sup>24</sup> However, as exemplified by the arrests of Tofiq Yaublu, Razi Alishov, and Bakhtiyar Hajiyev, due process is not always followed, specifically for political prisoners. Additionally, reports from Amnesty International, Human Rights Watch, and the Department of State allege a widespread pattern of poor conditions within all types of detention

<sup>18</sup> “Law enforcers see “evidence” in photo of Hajiyev and Clinton” Turan, 2023, <https://turan.az/en/social/law-enforcers-see-evidence-in-photo-of-hajiyev-with-clinton-updated-766361>.

<sup>19</sup> Ibid.

<sup>20</sup> “Azerbaijan.” HRW, 2023, <https://www.hrw.org/world-report/2023/country-chapters/azerbaijan#598ef4>.

<sup>21</sup> Ibid.

<sup>22</sup> “2022 Country Reports on Human Rights Practices: Azerbaijan.” U.S. Department of State, 2023, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/azerbaijan/>.

<sup>23</sup> “Law enforcers see “evidence” in photo of Hajiyev and Clinton” Turan, 2023, <https://turan.az/en/social/law-enforcers-see-evidence-in-photo-of-hajiyev-with-clinton-updated-766361>.

<sup>24</sup> “2022 Country Reports.” U.S. Department of State, 2023, <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/azerbaijan/>.

facilities. These conditions include overcrowding, solitary confinement, inadequate medical care, nutritionally deficient food, and insufficient heating, ventilation, and sanitation.<sup>25</sup>

### People’s Republic of China:



The People’s Republic of China, or China, has faced credible allegations of a pervasive pattern of human rights abuses over the years. Significant abuses, including the incarceration of government critics (and particularly harsh treatment towards members of the minority Uyghur Muslim community), have continued over the past couple of years, perpetuating human rights violations against them. While in some countries, there may be discrepancies between the law and the actions of authorities, in China, many laws, particularly those pertaining to freedom of speech, heavily curtail it. For instance, the government revised the counterespionage law to ban “the transfer of any information related to national security.”<sup>26</sup> The law also

allows the electronic devices and other items of people suspected of espionage to be inspected. The U.S. Ambassador to China recently outlined that the law could potentially legalize the various, “mundane activities that a business would have to do”, such as conducting due diligence before an investment or doing market economic research.<sup>27</sup> The government also encourages citizens to report alleged spy activity.

Human Rights Watch claims that through such laws, harassment, and intimidation, China operates one “of the world’s most stringent censorship regimes.” There have been many high-profile cases of short-term and long-term detentions of government critics. Rights groups claim that due to China's strict censorship laws, many cases that do not come to light in the international sphere also exist. Reports indicate a persistent mistreatment of political prisoners in detention facilities, including the withholding of medical treatment, being banned from receiving additional food, medicine, or warm clothing from family, and enduring beatings by other prison inmates at the instigation of prison guards, use of other instruments such as “handcuffs” or “leg irons” to cause excruciating agony. Also, reports state that political prisoners may be put in solitary confinement with inadequate access to food, water, heat, ventilation, or sanitation.<sup>28</sup>

Reports also highlight that inmates held at extrajudicial and re-education (dedicated to brainwashing and/or propaganda) detention centers were reportedly afflicted with serious illness’ or fatalities.<sup>29</sup> Many of the inmates held at re-education camps are political detainees and/or members of the Uyghur Muslim community, whom rights groups claim are being subjected to ethnic cleansing.<sup>30</sup>

<sup>25</sup> Ibid.

<sup>26</sup> “China opposes using anti-espionage law to attack its business environment.” Reuters, 2024, <https://www.reuters.com/world/china/china-opposes-using-anti-espionage-law-attack-its-business-environment-2024-03-04/#:~:text=Last%20year%2C%20lawmakers%20assed%20a,unnerving%20foreign%20businesses%20and%20investors.>

<sup>27</sup> “China’s Reised Counterepsionage Law ....” Crowell, 2023, <https://www.crowell.com/en/insights/client-alerts/chinas-revised-counterepsionage-law-and-recent-actions-highlight-challenges-for-us-companies-operating-in-china.>

<sup>28</sup> China: Torture and Ill-Treatment.” Amnesty, 5, 1993, <https://www.amnesty.org/en/wp-content/uploads/2021/06/asa170111993en.pdf>.

<sup>29</sup> “2022 Country Reports on Human Rights Practices: China (Includes Hong Kong, Macau, and Tibet).” U.S Dept of State, 2023,

[https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/china/.](https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/china/)

<sup>30</sup>Maizland, “China’s Repression of Uyghurs in Xinjiang.” CFR, 2022 <https://www.cfr.org/backgrounder/china-xinjiang-uyghurs-muslims-repression-genocide-human-rights.>

Some recent examples of notable political prisoners include Chen Xi, Yu Wensheng, and Huang Qiiis. As noted by the Office of the United Nations High Commissioner for Human Rights, these are three human rights defenders incarcerated in China. There are credible allegations of torture and other forms of mistreatment against these individuals. Chen Xi developed chronic enteritis, a disease causing severe dehydration and fever while in detention. Yu Wensheng has been denied medical treatment despite suffering from severe medical conditions. Huan Qiiis also suffers from grave medical conditions such as high blood pressure and heart disease among others — like Yu Wensheng, Huang Qiiis has been denied treatment.<sup>31</sup> The state of many other political prisoners still remains undocumented given China's strict censorship laws.

## **Egypt:**

Egypt has faced numerous challenges concerning the protection of human rights, especially regarding political prisoners. The Egyptian government's practice of imprisoning individuals who express opposing views or disagree with government policies is a violation of their fundamental rights. Various reports indicate that the Egyptian government has been involved in arbitrary or unlawful killings that occurred during arrests, while individuals were in custody, or in managing disputes with civilians. International and local human rights groups have also discovered numerous instances of enforced disappearances.

Regarding Egyptian prisons, as is the case in many parts of the world, they have been reported to be overcrowded, and these facilities often fail to provide access to basic necessities such as medical treatment, food, clean water, and sanitation. These conditions are a flagrant violation of human rights standards and oppose international norms. Detainees, including individuals with chronic illnesses, are often denied healthcare, leading to serious complications and even death. The denial of medical attention as exemplified by the case of former President Mohamed Morsi — who was removed from office in a coup d'état and died while on trial from a lack of appropriate medical care — is a clear violation of human rights and highlights the dire situation of Egyptian political prisons.<sup>32</sup>

Furthermore, there have been reports of physical and psychological torture of Egyptian prisoners. Prisoners are subjected to beatings, electric shocks, and psychological abuse, which not only inflict physical and mental suffering but also undermine the possibility of fair and just legal processes. There have also been reports of prisoners being held in rooms lacking basic necessities, such as bedding, windows, and proper sanitation facilities. The denial of fresh air, clean water, and adequate nutrition further exacerbates the already dire conditions, posing significant risks to the health and well-being of detainees.<sup>33</sup>

## **Examples:**

On January 4, photojournalist Hamdy al-Zaeem was taken into custody, and his family and lawyers were left unaware of his whereabouts until January 17 when he appeared before the Supreme State Security Prosecution. This specialized branch of the Public Prosecution deals with national security matters. Al-Zaeem faced allegations including spreading false news, affiliating with a banned group, and misusing social media. Similarly, journalist Ahmed Khalifa was arrested on January 6, a day after covering a labor protest. His family and legal representatives

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<sup>31</sup> "China: Human Rights Defenders given long-term, tortured - UN Expert." OHCHR, 2021, <https://www.ohchr.org/en/press-releases/2021/06/china-human-rights-defenders-given-long-jail-terms-tortured-un-expert>.

<sup>32</sup> Mekay, "Morsi's Death Highlights Inhumanity of Egypt's Prisons." International Bar Association, <https://www.ibanet.org/article/1DA07FD1-E1D2-451C-A29B-FCC045467C4C>.

<sup>33</sup> Yee, "A Slow Death': Egypt's Political Prisoners Recount Horrific Conditions." NYTimes, 2022, <https://www.nytimes.com/2022/08/08/world/middleeast/egypts-prisons-conditions.html>.



were also kept in the dark about his location until January 16, when he appeared before the State Security Prosecution facing the same charges as al-Zaeem. Khalifa was released in July, but al-Zaeem remained in pretrial detention throughout the year.<sup>34</sup>

**Physical Conditions:** According to domestic and international NGO observers, the prison cells were overcrowded. On April 11, a local human rights organization estimated the total prison population at more than 119,000 located in an estimated 78 prisons, including approximately 82,000 convicted prisoners and 37,000 pretrial detainees.<sup>35</sup>

**Syria:**

36



Syria has been ruled by dictator Bashar al-Assad since 2000. Since president Bashar al-Assad took power, human rights has been a matter of concern for human rights organizations and the international community. The Syrian civil war in 2011 has led to widespread human rights violations, including arbitrary arrests, torture, and mistreatment of political prisoners. Since 2011, conflict between the government of Syrian President Bashar al-Assad and opposition forces seeking his removal has displaced roughly half of the country's population and killed over half a million people.<sup>37</sup>

The situation in Syria has been particularly dangerous for individuals who express dissenting political views or oppose the government. Prison conditions in Syria have been reported as extremely harsh. Overcrowding, inadequate access to healthcare, and lack of sanitation facilities are major issues in prisons.<sup>38</sup> Many political prisoners have been held without access to legal representation or family visits. Additionally, there have been cases of individuals facing indefinite detention without being formally charged or given a fair trial. Under the regime of President Bashar al-Assad, there have been multiple reports of arbitrary arrests and detentions of individuals who oppose the government. Political prisoners in Syria have been subjected to severe and inhumane treatment, including torture, in detention facilities. According to Amnesty International, in February and April, the authorities partially revealed the fate of around 1,056 individuals forcibly disappeared since the start of the conflict by updating civil registry documents and issuing death certificates. These provided the date of death but did not disclose the circumstances in which the individuals died. The authorities failed to return the bodies of the deceased to their families.<sup>39</sup>

**Other Bloc Positions:** The following section will analyze the positions of other blocs on the issue regarding political prisoners and their treatment in detention. Developed Western countries, including those within the European Union (EU), have generally been prominent advocates in the international arena against arbitrary arrests of government critics and the subsequent mistreatment of political prisoners, owing to their democratic systems and progress in safeguarding civil rights. However, they have also faced accusations of serious human rights violations. Particularly, the United States, with its large military presence around the world and operation of detention centers

<sup>34</sup> Custom Report Excerpts, U.S Department of State, <https://www.state.gov/report/custom/64a2a40ebb/>.

<sup>35</sup> Ibid.

<sup>36</sup> "UN Experts: Widespread Abuses and Killing of Detainees in Syria." International Justice Resource Center, <https://ijrcenter.org/2016/02/17/un-experts-widespread-abuses-and-killings-of-detainees-in-syria/>.

<sup>37</sup> "Syria and U.S. Policy." CRS Reports, 2024, <https://crsreports.congress.gov/product/pdf/IF/IF11930>.

<sup>38</sup> "Detention in Syria." Amnesty, <https://saydnaya.amnesty.org/en/detention-in-syria.html>.

<sup>39</sup> "Syria 2022." Amnesty, <https://www.amnesty.org/en/location/middle-east-and-north-africa/syria/report-syria/>.

such as Guantanamo Bay, has been accused by human rights groups of committing torture against political prisoners.<sup>40</sup> In fact, the United States also holds the largest number of prisoners in the world.<sup>41</sup>

Conversely, within other country blocs, such as authoritarian regimes or countries with less developed human rights frameworks, the mistreatment of political prisoners varies. For example, while countries like India still maintain democratic institutions, it has faced severe criticism for crackdowns on dissent, increasing attempts to restrict civil liberties, and a trend towards authoritarianism.<sup>42</sup> These countries may exert a significant level of repression on government critics but still have some forms of due process and systems in place to protect political prisoners. In countries with even more watered-down democratic systems, practically authoritarian, such as Turkey, there has been a further increase in government repression of political opponents.



In contrast, highly authoritarian states in both law and practice, like North Korea, exhibit even severe human rights violations, with reports of widespread torture and arbitrary detention.<sup>43</sup> However, it's important to note that the state of a country's democratic institutions and their connection to political prisoners and their treatment cannot always be clearly delineated (as exemplified by the American case). A country may have relatively strong democratic institutions in many respects but also face credible allegations of unlawful detention and torture of political detainees.

### Recommendations for Addressing Prison Conditions and Torture for Political Prisoners:

1. Governments should prioritize and *balance* between their national security concerns and upholding freedom of speech. They must immediately release nonviolent political prisoners who have been detained for expressing their political beliefs or engaging in peaceful activism. This can be done through legal reforms.
2. Guarantee that all political prisoners receive *fair and transparent trials* in accordance with international human rights standards. This can be done by providing access to legal representation, impartial judges, and the right to present a lawyer. Detainees should not be subjected to arbitrary detention or prolonged pretrial detention.
3. Enforce laws that *prohibit torture and ill-treatment of prisoners*.
4. Political prisoners should have *access to necessary medical care*, including regular check-ups, treatment for injuries or illnesses, and mental health support. Establish independent medical care to ensure the well-being and dignity of prisoners and prevent any form of medical neglect.
5. Allow *independent international human rights organizations* to regularly visit prisons and monitor the conditions of political prisoners.

<sup>40</sup> "Guantanamo Bay Detention Camp." ACLU, <https://www.aclu.org/issues/national-security/detention/guantanamo-bay-detention-camp>.

<sup>41</sup> "Incarceration Rates by Country 2024." World Population Review, <https://worldpopulationreview.com/country-rankings/incarceration-rates-by-country>.

<sup>42</sup> Tripathi, "India's Worsening Democracy Makes it an Unreliable Ally." TIME, 2023, <https://time.com/6288505/indias-worsening-democracy-makes-it-an-unreliable-ally/>.

<sup>43</sup> "North Korea, 2023." Human Rights Watch, 2024 <https://www.hrw.org/world-report/2024/country-chapters/north-korea>.

## Past UN Action:

44



The United Nations has taken various actions to combat torture in prisons and detention facilities globally, and protect the rights of dissidents. The Universal Declaration of Human Rights and International Covenant of Civil and Political Rights outline protections against torture and the right to free speech, among other human rights. Central to UN-led anti-torture efforts is the UN Convention Against Torture (CAT), a pivotal treaty adopted in 1984. This international agreement serves as a cornerstone in the fight against torture, obligating signatory states to prevent and prohibit torture within their jurisdictions.

This convention is overseen by the United Nations Office of the High Commissioner (OHCHR).

An optional protocol of the convention adopted in 2002 by the UN General Assembly (entered force in 2006), created a mandate allowing regular visits by international and national bodies to detention facilities, to investigate and prevent torture at said facilities.<sup>45</sup> Following the provision of the Optional Protocol, the UN established a subcommittee on the Prevention of Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (SPT); its mandate includes conducting visits and investigations (on the use of torture) to detention facilities.<sup>46</sup>

Another critical component of the UN's anti-torture framework is the appointment of a Special Rapporteur on Torture. This independent expert is tasked with investigating reports of torture and other forms of cruel, or degrading treatment or punishment worldwide. Through meticulous investigation and reporting, the Special Rapporteur brings attention to instances of torture, thereby pressuring governments to address these violations and hold perpetrators accountable. Additionally, the Universal Periodic Review (UPR), a mechanism of the Human Rights Council plays a vital role in the UN's efforts to combat torture. As per the UPR, every UN Member State undergoes a peer review of its human rights records every 4.5 years.<sup>47</sup> This comprehensive review mechanism provides a platform for assessing each country's compliance with their human rights obligations, including measures to prevent and eliminate torture. By shining a spotlight on areas of concern and offering recommendations for improvement, the UPR encourages states to strengthen their anti-torture measures.

Regarding protections for political opposition and critics of the government, the United Nations has historically employed various mechanisms to safeguard their rights. One avenue is through the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression.<sup>48</sup> This role focuses on monitoring and investigating instances of censorship, harassment, and persecution of individuals exercising their right to free expression. Additionally, the UN Human Rights Council and General Assembly regularly address concerns related to the protection of political opposition and dissent through resolutions, reports, and statements. These actions serve to highlight the importance of safeguarding democratic principles and fundamental freedoms, including the right to dissent without fear of persecution or reprisal.

<sup>44</sup> "National Campaign Against Torture." UNCAT, 2019, <http://www.uncat.org/torture-prevention/international-action-against-torture-during-april-2019/>.

<sup>45</sup> "Convention Against Torture." Legal UN, <https://legal.un.org/avl/ha/catcidtp/catcidtp.html#:~:text=The%20Optional%20Protocol%2C%20which%20entered,or%20degrading%20treatment%20or%20punishment.>

<sup>46</sup> "Introduction to the Committee." OHCHR, <https://www.ohchr.org/en/treaty-bodies/spt/introduction-committee>.

<sup>47</sup> <https://www.ohchr.org/en/hr-bodies/upr/upr-home>

<sup>48</sup> "Special Rapporteur on Freedom of Opinion and Expression." OHCHR, <https://www.ohchr.org/en/special-procedures/sr-freedom-of-opinion-and-expression>.

## QUESTIONS TO CONSIDER:

- What role do international actors, such as governments, intergovernmental organizations, and NGOs, play in addressing the issue of political prisoners?
- What are the existing legal definitions of “torture” and “political prisoner”? How might these definitions be adapted to current situations?
- How does your country balance national interests and security concerns with human rights?
- What are your country’s laws on political prisoners; is there a significant difference between the laws of your country & the actions of your law enforcement authorities?
- How are prisons funded in your country and how might that funding mechanism contribute to your laws or actions towards political opposition (consider entities that profit from prisons)?
- How are political prisoners treated while in custody & how could their treatment be improved?
- How might institutions work within the international legal framework prevent further instances of torture and violence against political prisoners?

## KEY TERMS:

**Political Prisoner** refers to an individual who is detained due to their beliefs, race, gender, ethnicity, language, or religious affiliation, irrespective of whether they have endorsed violence. This definition encompasses those held without trial or facing prosecution as a means of oppression.<sup>49</sup>

**Prison Conditions** in this case refers to the living conditions and treatment of political prisoners during incarceration.

**Torture** refers to deliberate acts causing severe physical or mental suffering to a person, aiming to extract information, punish, intimidate, or discriminate. It can be carried out by public officials or those in official roles, directly or indirectly.<sup>50</sup>

**Detention Facility:** Refers to any location, whether public or private, that is utilized to confine individuals who have been charged with or convicted of a crime within the state, another state, or under federal law. This also includes those who are accused or determined to be delinquent or unruly children within the state, another state, or under federal law.<sup>51</sup>

**Prison:** Prisons are institutional facilities where individuals convicted of crimes serve lengthy sentences.<sup>52</sup>

**Jail:** Jails are facilities where individuals are held for short periods of time as they await trial.<sup>53</sup>

**Civil Rights:** Guarantees of equal protections under the law. Examples include the right to be free from discrimination, right to religious freedom, right to freedom of speech etc.<sup>54</sup>

**Political Rights:** Refer to an individual’s ability to participate in the political life of a country (eg: right to vote).<sup>55</sup>

## Global Classrooms DC Position Paper Overview and Requirements

<sup>49</sup> “Political Prisoners in the United States.” OJP, 1992, <https://www.ojp.gov/ncirs/virtual-library/abstracts/political-prisoners-united-state>.

<sup>50</sup> “Convention Against Torture...” OCHR, 1984.

<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>

<sup>51</sup> “Detention Facility Definition.” Law Insider, <https://www.lawinsider.com/dictionary/detention-facility>.

<sup>52</sup> “Jail and Prison. Are they the same?.” First Step Alliance, 2021, <https://www.firststepalliance.org/post/jail-vs-prison>.

<sup>53</sup> Ibid.

<sup>54</sup> “Civil Rights and Civil Liberties.” Chris Coons,

<https://www.coons.senate.gov/about/priorities/civil-rights-and-civil-liberties#:~:text=Our%20country's%20Constitution%20and%20federal,process%2C%20the%20right%20to%20privacy..>

<sup>55</sup> “Citizenship and Political Rights.” Commission on Security and Cooperation in Europe,

<https://www.csce.gov/issue/citizenship-and-political-rights/#:~:text=Political%20rights%20refer%20to%20an,tied%20closely%20to%20citizenship%20status.>

## **What is a Position Papers**

A position paper is a short document that outlines a country's opinion on an issue. The paper includes a short summary of what the issue or problem is, explains why the country is interested in the issue, and communicates the country's stance on what should be done to address the issue. A position paper is written as if you were the actual representative of the country stating its position. Your personal opinions on the issue should not be included. A position paper is not a summary of your country's GDP, government, economy, languages, etc. unless directly relevant to the issue. Only one position paper is written per country, per grade school committee; if there are 2 or 3 delegates representing the same country on a committee, they should write the paper together.

## **Why write a Position Paper?**

Writing a position paper will help you organize why an issue matters to your country and what your country wants done on the issue. The first thing you will likely do in committee is present an opening speech about your country's position. You should be able to pull portions of a well written position paper into an introductory speech on your country's perspective. Also, your delegation is not eligible to win best / outstanding delegation without the submission of a position paper. There are separate awards given for best position paper.

## **How to Write a Position Paper**

- (1) Research the Issue. The questions you want to answer are:
  - How does this issue affect your country?
  - How does this issue affect your country's neighbors or allies?
  - Is this a global problem that impacts everyone?
  - What would your country like to see done on this issue?
  - Are there countries or groups of people who will be particularly sensitive to addressing this issue?
  - Are there any conventions or resolutions on the topics that your country has signed or ratified?
  - What are UN actions on the issue? Has your country supported or opposed these actions?
  - Keep in Mind: What a country says, and what it actually believes should be done may be different. Also, some countries may believe that no action should be taken on an issue. They may disagree with how others feel or may not want international involvement. It is okay if your position is that the international community should do nothing, but you will need to explain why.
- (2) Brainstorm Specific Actions. Come up with 3-4 specific things that can be done to reach the outcome your country desires. For example: "The United States believes we should send a peacekeeping mission to monitor human rights abuses in Syria and encourage talks between both sides." You will present these ideas in committee as possible solutions to the problem and attempt to pass a resolution which includes these actions.
- (3) Outline Your Paper. Make an outline of what points you want to cover in your paper and the order in which you would like to address them. Remember a good paper should briefly explain the problem, explain why your country cares about the issue, and inform others what your country should like to see done. If you know other countries favor a solution that you will disagree with, make sure to include why your country disagrees.
- (4) Write your Paper. Position papers should be no more than one page long and be written from the perspective of the country you are representing. Rather than being a report on the topic, a position paper should explain what your country wants to see done to address the issue. Start by giving a brief summary of the issue and how it impacts your country. Then explain the specific actions you would like to see taken. Close by summarizing your country's overall position. Proper grammar and spelling are a must.

## **Award Criteria and Eligibility**



- Each Committee is giving out the following awards – Honorable Mention, Outstanding Position Paper, and Best Position Paper.
- The ideal position paper will have a clearly defined and summarized topic with your country’s position clearly outlined. Points are also awarded for organization, style and correct grammar.
- GCDC Staff will be fact checking position papers, so be sure to include the most up to date information and a bibliography (if using in text citations, a Works Cited page MUST be included)
  - Proper source citation: if an idea or quote came from another source, you must provide a footnote / citation.
- Papers will be disqualified if the conference staff has discovered that students did not write their own papers or that content has been plagiarized.
- Make sure your position paper must have the required header below! Do not create any additional title pages - points will be deducted for improper format.
- Formatting Requirements: 500 words minimum, 1,500 words maximum. Times New Roman font, 12-point size
- **POSITION PAPERS MUST BE SENT IN AS A PDF ATTACHMENT TO [gcdc@unanca.org](mailto:gcdc@unanca.org) by APRIL 22nd, 2024 AT 11:59 PM EST.**

**REQUIRED POSITION PAPER HEADER**

**Committee:**

**Country:**

**Topic**

**School:**

**Delegate Name(s)**